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SENATE BILL 165

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

MICHAEL S. SANCHEZ

AN ACT

RELATING TO TAXATION; AMENDING THE COUNTY CORRECTIONAL FACILITY GROSS RECEIPTS TAX; EXPANDING THE DEFINITION OF "COUNTY"; PROVIDING FOR BONDING PURSUANT TO THE NEW MEXICO FINANCE AUTHORITY ACT; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the New Mexico Finance Authority Act is enacted to read:

"NEW MATERIAL BONDS FOR COUNTY CORRECTIONAL FACILITY LOANS. --The authority may issue bonds for a county seeking a loan to develop a county correctional facility pursuant to the County Correctional Facility Gross Receipts Tax Act only after a majority of the registered qualified electors of the county has voted to allow the county to impose a county correctional facility gross receipts tax in the amount needed to repay

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1 bonds issued by the authority for the purpose of developing a
2 county correctional facility. "

3 Section 2. Section 7-20F-2 NMSA 1978 (being Laws 1993,
4 Chapter 303, Section 2) is amended to read:

5 "7-20F-2. DEFINITIONS. --As used in the County
6 Correctional Facility Gross Receipts Tax Act:

7 A. "county" means:

8 (1) a class A county, the population of which
9 does not exceed one hundred fifty thousand people as
10 determined by the 1990 federal decennial census; [~~or~~]

11 (2) a class B county with a population of at
12 least fifty-seven thousand people but less than sixty thousand
13 [~~according to~~] as determined by the 1990 federal decennial
14 census; or

15 (3) a class B county with a population of at
16 least forty-five thousand people but less than forty-seven
17 thousand as determined by the 1990 federal decennial census;

18 B. "county board" means the board of county
19 commissioners of a county;

20 C. "department" means the taxation and revenue
21 department, the secretary of taxation and revenue or any
22 employee of the department exercising authority lawfully
23 delegated to that employee by the secretary;

24 D. "judicial-correctional facility" means a
25 facility for housing and use by judicial and corrections

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1 agencies, including housing for persons confined in county
2 corrections facilities; however, none of the facilities are
3 required to be located on the same or contiguous parcels of
4 land;

5 E. "municipality" means any incorporated city,
6 town or village, whether incorporated under general act,
7 special act or special charter;

8 F. "person" means an individual or any other
9 legal entity;

10 G. "pledged revenues" means the revenue, net
11 income or net revenues authorized to be pledged to the payment
12 of revenue bonds issued pursuant to the provisions of the
13 County Correctional Facility Gross Receipts Tax Act;

14 H. "refunding bond" means a refunding revenue bond
15 issued pursuant to the provisions of the County Correctional
16 Facility Gross Receipts Tax Act to refund revenue bonds issued
17 pursuant to the provisions of that act; and

18 I. "revenue bond" means a county correctional
19 facility gross receipts tax revenue bond. "

20 Section 3. Section 7-20F-3 NMSA 1978 (being Laws 1993,
21 Chapter 303, Section 3, as amended) is amended to read:

22 "7-20F-3. COUNTY CORRECTIONAL FACILITY GROSS RECEIPTS
23 TAX-- AUTHORITY TO IMPOSE-- RATE-- ORDINANCE REQUIREMENTS--
24 REFERENDUM --

25 A. The majority of the members elected to the

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1 county board may enact an ordinance imposing on a county-wide
2 basis an excise tax not to exceed a rate of one-eighth of one
3 percent of the gross receipts of any person engaging in
4 business in the county, including all municipalities within
5 the county; provided that the voters of: [~~the county~~]

6 (1) a class A county described in Paragraph
7 (1) of Subsection A of Section 7-20F-2 NMSA 1978 or a class B
8 county described in Paragraph (2) of Subsection A of Section
9 7-20F-2 NMSA 1978 have approved the issuance of general
10 obligation bonds of the county sufficient to pay at least
11 one-half of the costs of the construction and equipping of the
12 new county judicial-correctional facility for which the county
13 correctional facility gross receipts tax revenue is dedicated;
14 or

15 (2) a class B county described in Paragraph
16 (3) of Subsection A of Section 7-20F-2 NMSA 1978 have approved
17 the issuance of bonds by the New Mexico finance authority
18 sufficient to pay at least one-half of the costs of the
19 construction, equipping and furnishing of the new county
20 correctional facility for which the county correctional
21 facility gross receipts tax revenue is dedicated.

22 B. The tax imposed pursuant to Subsection A of
23 this section may be referred to as the "county correctional
24 facility gross receipts tax". The county correctional
25 facility gross receipts tax shall be imposed only once for the

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1 period necessary for payment of the principal and interest on
2 revenue bonds issued pursuant to the County Correctional
3 Facility Gross Receipts Tax Act, but the period shall not
4 exceed ten years from the effective date of the ordinance
5 imposing the tax.

6 [B-] C. Any ordinance imposing a county
7 correctional facility gross receipts tax pursuant to this
8 section shall:

9 (1) impose the tax in any number of
10 increments of one-sixteenth of one percent not to exceed an
11 aggregate amount of one-eighth of one percent;

12 (2) specify that the imposition of the tax
13 will begin on either July 1 or January 1, whichever occurs
14 first after the expiration of at least three months from the
15 date that the department is notified personally or by mail by
16 the county that imposition of the county correctional facility
17 gross receipts tax has been approved by a majority of the
18 registered voters in the county voting on the question; and

19 (3) dedicate the revenue from the county
20 correctional facility gross receipts tax for the purpose of
21 constructing, purchasing, furnishing, equipping,
22 rehabilitating, expanding or improving a judicial-correctional
23 or a county correctional facility or the grounds of a
24 judicial-correctional or county correctional facility,
25 including but not limited to acquiring and improving parking

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1 lots, landscaping or any combination of the foregoing or to
2 payment of principal and interest on revenue bonds or
3 refunding bonds issued pursuant to the provisions of the
4 County Correctional Facility Gross Receipts Tax Act.

5 ~~[C.]~~ D. An ordinance imposing a county
6 correctional facility gross receipts tax pursuant to this
7 section shall not become effective until after an election is
8 held and a simple majority of the qualified electors of the
9 county voting in the election votes in favor of imposing the
10 tax.

11 E. The governing body shall adopt a resolution
12 calling for an election within seventy-five days of the date
13 the ordinance is adopted on the question of imposing the tax,
14 and:

15 (1) in a class A county described in
16 Paragraph (1) of Subsection A of Section 7-20F-2 NMSA 1978 or
17 a class B county described in Paragraph (2) of Subsection A of
18 Section 7-20F-2 NMSA 1978, if a property tax at a rate
19 necessary to comply with the provisions of Subsection A of
20 this section has not been approved by the voters of the
21 county, the question submitted to the voters shall be the
22 question of imposing a county correctional facility gross
23 receipts tax and a property tax at a rate necessary for the
24 issuance of general obligation bonds of the county sufficient
25 to comply with the provisions of the County Correctional

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1 Facility Gross Receipts Tax Act; or
2 (2) in a class B county described in
3 Paragraph (3) of Subsection A of Section 7-20F-2 NMSA 1978,
4 the question to be submitted to the voters is "Shall a county
5 correctional facility gross receipts tax be imposed to pay for
6 the development of a county correctional facility and to repay
7 bonds that will be issued by the New Mexico finance authority
8 in an amount sufficient to pay at least one-half of the costs
9 of developing the new county correctional facility?".

10 F. The question shall be submitted to the voters
11 at any general election or special election called for that
12 purpose by the board.

13 G. The election upon the question shall be called,
14 held, conducted and canvassed in substantially the same manner
15 as may be provided by law for general elections.

16 H. If the question of imposing the county
17 correctional facility gross receipts tax and a property tax,
18 if the question includes a property tax, fails, the board
19 shall not again propose imposition of a county correctional
20 facility gross receipts tax for a period of one year after the
21 election.

22 [~~D.~~] I. Revenue produced by the imposition of a
23 county correctional facility gross receipts tax that is in
24 excess of the annual principal and interest due on bonds
25 secured by a pledge of the county correctional facility gross

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1 receipts tax may be accumulated in a debt service reserve
2 account until an amount equal to the maximum amount permitted
3 pursuant to the provisions of the United States treasury
4 regulations is accumulated in the debt service reserve
5 account. After the debt service reserve account requirements
6 have been met, the excess revenue shall be accumulated in an
7 extraordinary mandatory redemption fund and annually used to
8 redeem the bonds prior to their stated maturity date.

9 [E-] J. When all outstanding bonds have been paid,
10 whether from the debt service reserve, the redemption fund or
11 maturity, the ordinance shall be repealed if the county
12 correctional facility gross receipts tax revenue is no longer
13 required for the purposes for which it may be used pursuant to
14 the provisions of the County Correctional Facility Gross
15 Receipts Tax Act.

16 [F-] K. The repeal of an ordinance imposing a
17 county correctional facility gross receipts tax shall state
18 that the repeal shall be effective on January 1 or July 1,
19 whichever occurs first following the date the department is
20 notified personally or by mail by the county of the repeal."

21 Section 4. EMERGENCY.--It is necessary for the public
22 peace, health and safety that this act take effect
23 immediately.

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
3
4
5

6 January 30, 1998
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8 Mr. President:
9

10 Your COMMITTEES' COMMITTEE, to whom has been referred
11

12 SENATE BILL 165
13

14 has had it under consideration and finds same to be GERMANE, in
15 accordance with constitutional provisions, and thence referred to the
16 WAYS & MEANS COMMITTEE.
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19 Respectfully submitted,
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Manny M. Aragon, Chairman

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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

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1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3 SB 165/a

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6 February 11, 1998

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8 Mr. President:

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10 Your WAYS AND MEANS COMMITTEE, to whom has been referred

11
12 SENATE BILL 165

13
14 has had it under consideration and reports same with recommendation
15 that it DO PASS, amended as follows:

16
17
18 1. On page 1, lines 20 and 21, strike "seeking a loan to develop"
19 and insert in lieu thereof "to design, construct, equip, furnish and
20 otherwise improve".

21
22 2. On page 2, line 1, strike "developing" and insert in lieu
23 thereof "designing, constructing, equipping, furnishing and otherwise
24 improving".

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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3. On page 4, lines 18 and 19, strike "the construction, equipping and furnishing of" and insert in lieu thereof "designing, constructing, equipping, furnishing and otherwise improving".

4. On page 7, lines 5 and 6, strike "to pay for the development of a county correctional facility and".

5. On page 7, line 9, strike "developing" and insert in lieu thereof "designing, constructing, equipping, furnishing and otherwise improving".

and thence referred to the FINANCE COMMITTEE.

Respectfully submitted,

Carlos R. Cisneros, Chairman

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SECOND SESSION, 1998

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SWMC/SB 165

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Duran, Kidd, Leavell, Nava

Absent: None

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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SWMC/SB 165

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

February 13, 1998

Mr. President:

Your FINANCE COMMITTEE, to whom has been referred

SENATE BILL 165, as amended

has had it under consideration and reports same with recommendation
that it DO PASS.

Respectfully submitted,

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

SWMC/SB 165

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Ben D. Altamirano, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

No: None

Excused: Carraro, Eisenstadt, Ingle, Lyons, McKibben

Absent: None

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HTRC/SB 165/a

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4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

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7 Date _____

8
9 The roll call vote was 10 For 1 Against

10 Yes: 10

11 No: Russel

12 Excused: Sandoval

13 Absent: Lovejoy

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